

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

703-0012

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the CSX Transportation, Inc., hereinafter referred to as the "Company", the County of Fayette, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through Staff investigation that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as College Avenue (FAS 1714) located in Brownstown, Fayette County, Illinois, designated as crossing DOT 546 484B, milepost 164.14-CRA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvement upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that a certain improvement as hereinafter stated be made and that the cost for the proposed improvement be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The improvement encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2           The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a.)   The Company should remove the existing automatic flashing light signals and install new automatic flashing light signals and gates controlled by Motion sensor circuitry;

Section 3           The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvement which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4           The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvement should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvement should be:

- a)   The cost to remove the existing warning devices and new install automatic flashing light signals and gates is estimated at \$120,967. The Grade Crossing Protection Fund (Fund) should pay 85% of the installation cost, not to exceed \$102,822; The County of Fayette should pay 10% of the installation cost, not to exceed \$12,097; The Company should pay any remaining installation costs, as well as all future operation and maintenance costs;

Section 6           The County is financially able and willing to bear an equitable portion of the cost for the proposed improvement as may be assigned by the order and indicates this intent by Resolution attached as Exhibit C.

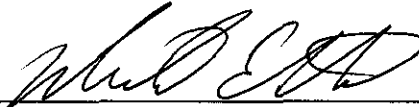
Section 7           Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

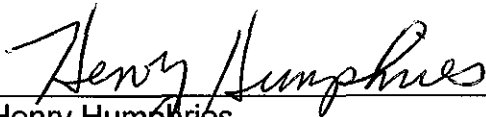
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 16th day of October, 2002.



Michael E. Stead  
Railroad Safety Program Administrator

Attest:



Henry Humphries,  
Railroad Safety Specialist


Illinois Commerce Commission Stipulated Agreement No. 1016 concerning an improvement at the College Avenue grade crossing of the CSX Transportation, Inc. track in Brownstown, Fayette County, Illinois, designated as crossing AAR/DOT # 546 484B, Milepost 164.14-CRA.

Executed by the County of Fayette this 12TH day of November 2002.

FAYETTE COUNTY

By:   
Chairman of the Fayette County Board

Attest:



Illinois Commerce Commission Stipulated Agreement No. 1016 concerning an improvement at the College Avenue grade crossing of the CSX Transportation, Inc. track in Brownstown, Fayette County, Illinois, designated as crossing AAR/DOT # 546 484B, Milepost 164.14-CRA.

Executed by the Department this 13<sup>th</sup> day of November 2002.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James L. Carter  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1016 concerning an improvement at the College Avenue grade crossing of the CSX Transportation, Inc. track in Brownstown, Fayette County, Illinois, designated as crossing AAR/DOT # 546 484B, Milepost 164.14-CRA.

Executed by the Company this 23rd day of January ~~2002~~ 2003

CSX TRANSPORTATION, INC.

By: Dale W Ophardt  
**Dale W. Ophardt**  
Chief Engineer - Design & Construction

Attest:

Rachel E. Geiersbach  
**Rachel E. Geiersbach**  
Corporate Secretary

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line CSX Milepost 164.14-CRA Inventory # 546 484B  
City (I) Brownstown Street College Avenue County Fayette  
Jurisdiction County Urban X Rural      Commercial      Residential X  
Street Surface Oil/Chip Width 33' Condition Good  
Angle 70° Tracks Tangent Yes Degree of Curve -- Superelevation -  
Depth of Cut                                      Height of Fill <2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Epton</u>	<u>46'</u>	<u>Good</u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
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Intersecting Roads 100' North Street 200' Main Street  
Traffic Control Devices Present STOP Signs at North and at Main  
ADT 1,450 Speed posted 30 mph Statewide Yes  
School buses Poss. Hazardous Materials Poss. Other --  
Rail Traffic: Ft. 26 @ 70 mph Pass. -- @ -- mph Switch No  
Simultaneous Movements No Daylight and Dark Yes  
Present Warning Devices AFLS

Advance Warning Signs Yes Pavement Marking No



## Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

### Approach Grades

North	<u>Meets</u>	<u>'</u>	<u>92</u>	<u>%</u>	<u>Ill.</u>	<u>'</u>	<u>Adm.</u>	<u>%</u>	<u>Code</u>	<u>'</u>	<u>1535</u>	<u>%</u>
South	<u>"</u>	<u>'</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>'</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>'</u>	<u>"</u>	<u>%</u>

Comments: \_\_\_\_\_

[illegible]

NORTH STREET

Standard FL

20.0' - cl of tr, 10.0' - eop

Control Box

37.0' - cl of tr, 30.0' - eop

Standard FL

20.5' - cl of tr, 11.0' - eop

COLLEGE AVENUE

MAIN STREET

①

②

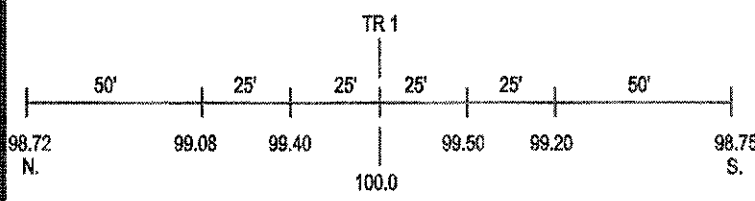
③

④

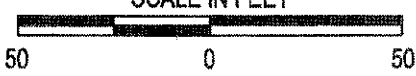
66°

33'

ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 546484B  
 Location: Fayette Co., City of Brownstown (I)  
 Lat/Long: 38°59'48" / 88°57'21"  
 Railroad: CR  
 Street: College Avenue  
 Railroad Milepost: 164.15  
 Crossing Protection: Train Activated Devices

4/17/17 E:\546484B\546484B.DWG 08/20/00 13:33 JTC